



## **IRI-NDI Pre-Election Assessment Mission Statement – Zimbabwe 2018 Harmonized Elections**

June 8, 2018

### **Introduction**

In response to President Mnangagwa's public welcoming of international observers as well as requests from political leaders and civil society organizations, the International Republican Institute (IRI) and the National Democratic Institute (NDI) are jointly observing Zimbabwe's 2018 harmonized elections for president, parliament, and local government. IRI and NDI have observed collectively over 200 elections in more than 50 countries during the last 30 years. The IRI-NDI observation is being conducted in accordance with the Declaration of Principles for International Observers, in conformity with the laws of Zimbabwe, and in reference to international and regional standards for elections – including the Southern African Development Community (SADC) Guidelines and Principles for Democratic Elections and the African Union (AU) Charter on Democracy, Elections and Governance.

The mission's core team of election analysts began to arrive on April 22, 2018 and will continue to observe the electoral process, including the collation and announcement of results. For the July 30 election, the mission will be supplemented by an additional 26 short-term observers, who will be deployed throughout the country.

From June 2-8, IRI and NDI jointly deployed a pre-election assessment mission as part of the long-term observation effort for the upcoming elections. The delegation is comprised of: **Dr. Brigalia Bam**, former Chairperson of the South African Independent Electoral Commission; **Hon. David Dreier**, former United States Congressman; **Senator Catherine Noone**, Deputy Leader of the Irish Senate; **Barry Jackson**, former Chief of Staff to the Speaker of the US House of Representatives; **Elizabeth Lewis**, IRI Deputy Director for Africa; **Sandra Pepera**, NDI Director for Gender, Women, and Democracy; **Larry Garber**, Co-Mission Director, NDI; and **Nicolas Teindas**, Co-Mission Director, IRI.

The purposes of the pre-election delegation were to: provide an independent and impartial assessment of the election preparations; establish benchmarks in assessing the overall process; offer practical recommendations (as appropriate) to enhance the inclusiveness, transparency, and accountability of the process; and demonstrate the international community's continuing interest in credible elections in Zimbabwe. At the same time, the delegation recognizes that ultimately it is the people of Zimbabwe who will determine the credibility of the election process.

The IRI-NDI delegation met with a wide array of election stakeholders, including the Chairperson of the Zimbabwe Election Commission (ZEC), political party leaders, candidates, civil society representatives, leaders of citizen observer groups, the Chief Justice of the Constitutional Court, the Minister of Justice, Legal and Parliamentary Affairs, the Commissioner General of Police, the Senate President, media representatives, political analysts, and representatives of the international

community. The delegation appreciates the warm reception received from numerous stakeholders engaged to date and benefited measurably from their insights.

### **Summary**

Zimbabwe's 2018 harmonized elections will take place against a backdrop of 18 years of political crisis. During this period, severe limits on political space and a series of elections, some characterized by violence, and widely perceived as flawed, weakened public confidence in democratic institutions and the electoral system. These elections will take place less than a year after the military intervention that led to Robert Mugabe's removal from power after 37 years and the appointment of Emmerson Mnangagwa as president.

The IRI-NDI delegation heard a clear and unambiguous message of hope for a new future from all the Zimbabweans they came into contact with. It received unanimous reports that the country's political climate has changed markedly since last November. It is the responsibility of all the election actors to take the steps necessary to build confidence with the people that these elections can usher in a new democratic dispensation.

However, concerted efforts will be required to restore the public's faith in the country's institutions and set the country on a new trajectory. Therefore, the 2018 harmonized elections must break with the past and be widely perceived as inclusive, transparent and accountable. To achieve this objective, the reforms must do more than just adhere to the letter of the law, show more than just incremental improvements, and result in more than just peaceful elections. This standard is consistent with the SADC guidelines, which call for elections to be peaceful, but also "free and fair, transparent, and accountable", while at the same time accounting for the cumulative effect of nearly two decades of flawed elections.

The IRI-NDI delegation found notable improvements in the political environment and electoral preparations as compared to prior elections. However, a number of significant opportunities to break with the past and restore confidence in advance of the polls have been missed thus far. As a result, concerns remain about the fairness of the process.

Given Zimbabwe's history and the fact that the current government assumed power not through a normal election process but through a military intervention, extraordinary steps are required to achieve the widespread perception of fairness, which is as important as the realization of fairness itself. These steps should be based on the premise that the credibility of the upcoming elections are the responsibility of political parties and candidates running for office, the institutions mandated to provide oversight, and all those who vote on election day. With seven weeks remaining to election day, the opportunity still exists to take constructive steps to enhance the inclusiveness, transparency, and accountability of the electoral process.

### **Notable Improvements**

The IRI-NDI delegation recognizes that several positive developments have occurred since Zimbabweans last went to the polls to vote in a national election in 2013. In the period after

November 2017, important rhetorical, symbolic and tangible steps have made the political space more open. Notable improvements include:

- *Committing to Credible Elections* – President Mnangagwa has publicly and repeatedly committed to holding credible elections. Further, he signed the AU Charter on Democracy, Elections and Governance (though it still needs to be ratified by parliament). These represent important departures from the past and the conduct of the former president when it came to elections. However, despite the president’s public commitment, some ruling party officials and representatives of state institutions have made statements inconsistent with a genuine commitment to holding credible elections.
- *Improvements in the Political Climate* – The delegation received messages from Zimbabweans that the country’s political climate has markedly improved, with opposition parties already holding rallies around the country and citizens expressing their political views more freely. One sign of the improved political space was the ability of the Movement for Democratic Change (MDC) Alliance to hold a June 5 rally in central Harare and the decision by the police to deny a permit on the same day for a competing ZANU-PF rally to avert clashes. Another is the response of Zimbabweans – particularly women, young women and men, and first-time voters - to the opportunity to register to vote in 2018; given their numbers, these population groups will have a significant political role in the outcome of the elections.
- *Welcoming International Observers* – President Mnangagwa has welcomed a broad range of international organizations to observe elections in Zimbabwe, including many that were previously prevented from doing so. The IRI-NDI mission received accreditation to observe the May 19-29 inspection process and has received assurances from the Chair of the ZEC that the Mission will receive accreditation to observe the July 30 elections. The law does not require accreditation of international observers prior to the proclamation of elections, and the discretionary accreditation of our mission for voter roll inspection demonstrates the goodwill of the ZEC to welcome observers for the 2018 electoral process.
- *Creating a Fresh Voters Roll* – Citizens and citizen observer groups applauded the implementation of the Biometric Voter Registration (BVR) process, which resulted in more than 5.3 million Zimbabweans registering to vote. There have long been longstanding concerns about the accuracy of the voters roll. Independent analysis of the 2013 preliminary voters roll showed a clear pattern of over-registration in rural areas, under-registration in urban areas and among young voters, and the presence of a large number of names of deceased persons still registered. Stakeholders agreed that a new roll was needed and many noted that this is the first voters roll not managed by the Office of the Registrar General. The reputation of the ZEC was enhanced by the successful administration of this process.
- *Enhancing Citizen Access to the Inspection Process* – For the first time, the ZEC established a mechanism by which citizens could verify their registration information via mobile phones and a website in addition to in-person visits to inspection centers. The Commission reports that approximately 900,000 people checked their voter registration details (though not their biometric information) using their cell phones. The ZEC also reports that almost 1.5 million people visited inspection centers to verify their details (including their photos). While these

tools do not allow political parties and other stakeholders to assess or audit the overall quality of the voters roll, they give voters the opportunity to verify that their personal registration details were recorded correctly.

- *ZEC Outreach and Communications* – The delegation heard from many groups that the ZEC, under its new chairperson, is doing more to engage constructively with both political parties and civic organizations. The ZEC is meeting with political parties on a regular basis and, while there is no formal platform for regular interactions between the ZEC and civil society organizations, the delegation notes that the Commission has also held periodic engagements with citizen observer groups. However, significant concerns were raised by a wide array of stakeholders about the ZEC providing insufficient or conflicting information concerning the specifics related to various technical aspects of the electoral process.
- *Barring Traditional Leaders from Partisan Politics* – Traditional leaders have long been accused of engaging in politics to benefit the ruling party. The 2013 Constitution bars traditional leaders from engaging in partisan politics, but this has not stopped the practice. However, the High Court ruled on May 16 that all traditional leaders must refrain from engaging in partisan politics and required a public retraction from the President of the Zimbabwe Council of Chiefs, who publicly pledged his support to the ruling party.
- *Reducing Opportunities for Multiple Voting* – There have long been concerns about individuals voting multiple times in Zimbabwe. Under the previous ward-based voters roll system, every voters' name appeared on the voters roll for each polling station in the ward. Additionally, each polling station in the ward was stocked with a large number of ballot papers because it was not known precisely how many voters would vote at any single polling station on election day. The new polling station-based voters roll system, mandated by the 2013 Constitution, requires voters to cast their ballots at assigned polling stations. Thus, if the new system is promptly implemented, no voter's name should appear on the voters roll at more than one polling station and the number of ballot papers supplied to polling stations should be dramatically reduced, as the maximum number of voters per polling station is known in advance. Reducing the number of excess ballots (currently mandated by law to be no more than 10 percent) is an important measure to increase confidence in the vote.
- *Enacting a Political Party Code of Conduct* – In recent months, the ruling and opposition parties represented in parliament, together with ZEC, agreed to strengthen the existing code of conduct, which was included in the Electoral Amendment Act, enacted on May 28, 2018. These revisions strengthen the enforcement mechanisms of the code and extend its applicability to all actors engaged in formal or informal political activities, including traditional chiefs and security personnel. Political parties are also now required to inform their members about the code of conduct and to initiate disciplinary measures against members who fail to comply with the code. Both national and provincial multiparty liaison committees have been tasked with monitoring and resolving disputes related to the code of conduct.
- *Improving the Integrity of Assisted Voting* – The issue of assisted voting was a serious problem during the 2013 harmonized elections. Citizen observers reported that unusually

large numbers of voters, and not just those authorized by law, were assisted in voting. Under the Electoral Amendment Act, voters can now select a person of their choosing to assist them, as opposed to being required to have the police and election officials do so, reducing concerns that the secrecy of their votes will be compromised.

### **Significant Opportunities Missed Thus Far**

While all of the above referenced improvements are significant, the IRI-NDI delegation notes that important opportunities are being missed to enhance the public confidence that Zimbabweans will be able to participate without fear in a credible electoral process. These missed opportunities include:

- *Strengthening the Independence of ZEC* – Under the 2013 Constitution, ZEC is the mandated independent commission responsible for conducting elections. This is an improvement over the previous arrangement, in which the Office of the Registrar General, which is not an independent body, played a major role. Stakeholders have also generally welcomed the appointment of a new chairperson for the ZEC. However, the constitution also vests the Minister of Justice, Legal, and Constitutional Affairs with oversight authority over the Commission, leading to concerns about the institution’s autonomy.
- *Information on Biometric Voter Registration (BVR)* – The ZEC provided national and provincial level updates on the number of registrants throughout the BVR process. While useful, this information was insufficient for stakeholders to evaluate the effectiveness of the BVR process. Data disaggregated by age and gender is required to best assess the BVR by registration center. This information is particularly important given that the problems with the 2013 voters roll related not to the overall number of registrants, but the distribution of registrants by geography and age. The provision of more detailed information throughout the multiple BVR phases would have enhanced transparency and allowed for more effective civic and voter education efforts.
- *Opportunities for Urban Voters to Register* – Concerns were raised throughout the BVR process about the insufficient numbers of BVR kits being deployed to Bulawayo and Harare. For example, according to official figures, 34 percent of outstanding registrants at the start of the so-called mop-up exercise were in Bulawayo and Harare while the ZEC assigned only 6 percent of the BRV kits to these provinces. Though the commission should have deployed more BVR kits to rural areas to reduce the distances citizen must travel to register, sufficient BVR kits should also have been available for urban areas to provide citizens living there a reasonable opportunity to register. As a result, the registration rates for Bulawayo and Harare are significantly lower than the rest of the country.
- *Audit of the Voters Roll* – The ZEC has announced that overall approximately 5.5 million people have registered to vote. This is a significant achievement. However, a true assessment of the quality of the voters roll requires an audit involving both computer and field tests. Such audits can be conducted by election commissions or commissioned by them, or by independent groups on their own initiative. Thus far, the ZEC has not commissioned an external group with recognized expertise to conduct an audit and has not provided political

parties or citizen observers with a copy of the preliminary voters roll in a format that would allow them to conduct their own independent audit.

- *Failure to Respond to Concerns Regarding Registration Slips* – While stakeholders agree that the political climate has improved, serious concerns remain about voter intimidation. Exacerbating these concerns are incidents of voters who have been asked to produce their voter registration serial number by unauthorized officials, which according to the June 7 Afrobarometer report was 31 percent of registered voters.
- *Secrecy of the Vote* – All Zimbabwean elections dating back to 2000 have been characterized by widespread concerns about the secrecy of the vote. While the law prescribes secrecy, the delegation heard from many groups about efforts to compromise the public's belief in the secrecy of the vote by taking advantage of limited understanding of the BVR and balloting processes. The ZEC missed several opportunities early in the process to explain the purpose of the registration slip and to inform voters not to disclose it to unauthorized individuals, and thus far has not mounted a broad publicity campaign reassuring citizens about vote secrecy.
- *Diaspora Voting* – Three million Zimbabweans are estimated to be living outside the country, many due to the ongoing political and economic crises. Many activists thought that the issue of diaspora voting was resolved by the 2013 Constitution's guarantee of the right to vote for all citizens. However, the Constitutional Court decided on May 29 to deny the petition to allow Zimbabweans outside the country to vote in future elections. While there is no international standard that citizens outside a country must be enfranchised, the trend is to expand the franchise to include citizens living abroad by one of several means.
- *Inclusive Elections* – While current figures indicate that women and youth (aged 18-40) comprise 54 and 45 percent of the voters roll respectively, insufficient efforts have been made by political stakeholders to secure the full participation of women and marginalized groups. This is evident in the failure to implement of the constitutional provision for gender parity in all elected and appointed offices. Further, women and youth faced particular challenges in accessing party primaries and many have decided to compete as independent candidates; while independent candidacies increase opportunities for political competition, funding and running campaigns without party support constrain such efforts. The consequence of these developments is that the number of women represented in the House of Assembly will decline in 2018.

Insufficient adjustments have been made to ensure the full and equitable participation of persons with disabilities in all aspects of the election – as voters, candidates or polling officials. Stakeholders pointed to polling station accessibility as an ongoing challenge, as well as the provision of voting materials (such as braille ballots) to enable voters with visual and hearing impairments to vote without assistance and, thus protect the secrecy of their vote. Given the history of intimidation and coercion of voters, and electoral violence in Zimbabwe, insufficient information about key aspects of the electoral process have led to misunderstandings and a persistent vulnerability to vote manipulation among these groups.

- *Freedom of Assembly* – It is widely held that the political climate has improved significantly from previous elections. However, the Public Order and Security Act (POSA) remains on the books. This legislation has been widely criticized for placing undue burdens on the freedom of assembly and has been used in past elections to prevent opposition parties from campaigning and conducting ordinary party activities. As this legislation has not been repealed, amended, or suspended, it remains a potential threat to the ability of all parties to participate freely in the elections.
- *Polling Stations* – The new polling station-based voters roll system is an improvement over the ward-based voters-roll system of past elections, as each polling station now has a maximum number of 1,000 voters. An analysis of the list of inspection centers reveals that the national average of registrants per polling station is currently 503. However, for Harare the average number of registrants per polling station is 753. While a higher number of registrants per polling station is expected in urban areas, this is a significant discrepancy. It is particularly concerning given the history of insufficient polling stations in Harare, which led to long queues and voters not being able to cast their ballots.
- *Acceptance of Results* – While stakeholders have welcomed President Mnangagwa’s repeated public commitments to hold credible elections, concerns remain about whether the military will accept the outcome of the presidential election. Senior military figures have historically made public pronouncements implying that they would only recognize a president from the ruling party and with liberation struggle credentials. Similar statements by government officials have again been made in advance of the upcoming polls.

## **Recommendations**

With seven weeks until election day, there are a number of steps that can be taken to help Zimbabwe make a clear break with its history of flawed elections. Changing Zimbabwe’s electoral trajectory will require pro-active and concerted efforts to instill public confidence. In the spirit of international cooperation, the IRI-NDI delegation offers, respectfully, the following recommendations:

- *Focus Voter Education on the Secrecy of the Vote* – Just as President Mnangagwa has publicly and repeatedly called for credible elections, he and other senior officials in key positions should publicly and repeatedly affirm that the secrecy of the ballot cannot be compromised and that voters should vote their conscience. The ZEC should approve voter education materials with this message and engage in a widespread voter education campaign on this issue. Civic organizations and church groups should be funded and empowered to conduct voter education efforts around the secrecy of the ballot. These campaigns should employ television, radio, social media, print media and public events to spread this message.
- *Ensure Military Respect for Election Outcome* – Senior officers of the Zimbabwe Defense Forces (ZDF) should make public and unambiguous statements that all branches of the military will loyally serve the winner of this and future elections. Military officers and government officials should refrain from any statements suggesting that the military would not accept the outcome of the election. Additionally, police personnel deployed on election

day, while essential for maintaining public order, should not interfere in the process and should follow instructions from the polling officials.

- *Release Both the Preliminary and Final Voters Rolls in Electronic Format* – The Electoral Act requires the ZEC to release the final voters roll, and the ZEC chairperson has publicly committed to doing so. However, given serious concerns with the voters roll from past elections, the ZEC should release both the preliminary and final voters rolls in an analyzable electronic format to all candidates immediately following the completion of the nominations process.
- *Provide Equal Access to Media and Information for Opposition Candidates and Citizens* – The opening of space and provision of equitable coverage for opposition political parties and candidates on both state-run and private media outlets is one of the most significant ways to ensure an informed electorate, and a free and fair campaign. While equal coverage and access has not been provided to date, there is still an opportunity to address this critical weakness in the pre-election environment. The Media Monitoring Committee, to be established within ZEC, should engage with other government institutions and media outlets to ensure equitable access and coverage. The government has publicly committed to not impeding access to social media or the internet on or around election day, and we encourage the government to fulfill this pledge.
- *Announce Final List of Polling Stations* – The amendments to the Electoral Act passed on May 28 vest ZEC with the authority to establish additional polling stations in order to alleviate lines at polling stations with high numbers of registrants. While the creation of new polling stations to reduce lines and more efficiently process voters on election day is a welcome development, concerns exist about the ad hoc establishment and late announcement of new polling sites, limiting opportunities for the parties to designate party agents. The Commission should publicly commit to using the authority provided by the new legislation to establish only sub-stations in places where polling sites have too large a number of registered voters.
- *Permit Observation of Ballot Printing, Storage and Distribution Processes* – Various stakeholders raised concerns with the procurement and printing of ballot papers. This process should be transparent to provide the public confidence that the proper number of ballot papers are being printed and meet defined technical specifications. The ZEC chair has committed to allowing the political parties to observe all aspects of this process, but this must be translated into meaningful observation, pursuant to a dialogue between the Commission and the political parties.
- *Hold Parties Accountable to the Political Party Code of Conduct* – The inclusion of a revised political party code of conduct in the recently passed amendments to the Electoral Act was a positive development. In advance of elections, domestic and international stakeholders – including the public - must support an environment whereby adherence to the code of conduct is upheld. This requires political parties to sanction their own members for breaches of the



code and the police and judicial system take seriously their role in prosecuting intimidation and violence.

- *Address Violence Against Women in Elections* – The violence that has historically marred Zimbabwe’s politics and elections has had a differentiated impact on women’s willingness to participate. A number of stakeholders indicated that violence, including harassment, intimidation, psychological abuse, and sexual and physical assault, is both a symptom and indicator of more generalized electoral violence. Opening a safe space for women’s participation will enhance the inclusion of all marginalized groups, as will strong messaging on the secrecy of the ballot and enforcement of the Code of Conduct. Other specific measures include the conduct of gender-sensitive policing throughout the electoral cycle, and the creation of a coherent mechanism linking civil society organizations to the police and political stakeholders to report, refer and respond to any violence that occurs.
- *Special Voter Education Targeting First-Time Voters* – According to the ZEC’s registration figures, approximately 750,000 voters aged 18 to 29 will participate in the upcoming elections. Many will be casting a ballot for the first time. The ZEC should work in partnership with civil society organizations to develop a specific voter education campaign aimed at first-time voters with an emphasis on engagement via mobile phones and social media.
- *Accredit Observers in a Timely and Efficient Manner* – As required by law, the ZEC should continue to play the lead role in accrediting both domestic and international observers. The process should be streamlined and the fees associated with such accreditation should be commensurate with the ability of the organizations to pay. Moreover, the process for receiving accreditation should be simplified to ensure that organizations can effectively recruit and deploy observers throughout the country on election day without requiring each observer to travel to Harare or a provincial capital to obtain his/her credential.
- *Ensure Responsible Political Party Behavior* – The parties should encourage the conduct of free, fair and credible elections throughout the process, while avoiding casting doubts on the electoral process in a manner that undermines public confidence in the process. Moreover, parties should recruit, train and deploy party agents in a manner that enhances the integrity of the electoral process, particularly with respect to the tabulation of results.
- *Adopt and Publicize Transparent Procedures for the Tabulation and Announcement of Results* – The ZEC should provide political parties and observers with detailed plans for the tabulation and announcement of results well in advance of election day. The ZEC should fully test all aspects of the tabulation system and allow political party representatives and observers to witness this simulation exercise. The Commission website should provide not only aggregate results, but also polling station level results for the presidential, parliamentary, and local government elections immediately after announcing the official results.
- *Promote a Well-Publicized Peace Pledge* – The political parties should join, preferably by the end of June, in expressing their commitment to conduct a violence-free campaign and to accepting the results of credible elections through a well-publicized pledge witnessed by leading domestic and international personalities. Further, senior officers of the Zimbabwe

Defense Forces (ZDF) should make public and unambiguous statements that all branches of the military will loyally serve whoever wins this and future elections. The pledge should be monitored by the ZEC and other independent commissions established under Chapter 12 of the Zimbabwean Constitution, including the Human Rights Commission, the Gender Commission, the Media Commission and the National Peace and Reconciliation Commission.

The delegation hopes that the observations and recommendations presented in this statement contribute positively to the election process in the 52 days remaining before the July 30 polls. The IRI-NDI mission will continue to observe the process and to support the efforts of those working to achieve open and peaceful elections in Zimbabwe, and a long-awaited open and democratic dispensation.